

**JURIDICAL ANALYSIS OF DIFFERENT RELIGION MARRIAGE ABROAD
BY LAW SMUGGLING ACCORDING TO THE LAW SYSTEM OF
INDONESIA**

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ABSTRACT

Different religion marriage is not a new thing in Indonesia. From year to year the cases increasingly come to the fore. This might happen, given the pluralistic of Indonesian society, composed of various ethnic, religious and different customs. Marriage Act provide a crucial role legitimate/legal failure of a marriage to each religion and belief. This is evident in the formulation of Article 2 of the Marriage Act that makes it legal religion and belief as legitimate measure/legal failure of a marriage. All religions recognized in Indonesia basically does not allows for interfaith marriage. Marriage Act does not contain any provision which states that religious differences between the prospective husband or wife is an obstacle prohibited marriage. This Act does not regulate marriage future husband or future wife is a different religion. In the absence of strict regulation regarding interfaith marriage in Indonesian law makes the interfaith couples who want a wedding look for a strategy that they can take up to get married. As one alternative that can be implemented in order to get marriage is do marriage in abroad. These provisions are referred to as one way of smuggling law for interfaith marriage. The issues that will be presented in this undergraduate thesis is what the legal position of interfaith marriage in abroad in law system Indonesia and what the legal issues arising from the interfaith marriage in abroad. This research applies normative juridical method to study the regulation. As a normative legal research, the data collecting method in this study is a library research, by studying documents related to the issues to be investigated. The results of the research indicateds that interfaith marriage in abroad is one way of smuggling law for interfaith marriage. In civil, interfaith marriage in abroad kind of this compiled formal condition, which is based on the law of the country where their do marriage. But materially, the marriage can not be considered legitimate and may be canceled because incompatible with religious law. Besides interfaith marriages often face many problems, whether related to the recognition of the state or the recognition of the religion over the marriage. Also the problems that will arise in the future like the recognition of children, the problem of recording marriages and divorce problems later on. And also the problems in the social environment that may occur as a result of interfaith marriage has not been received by the public.